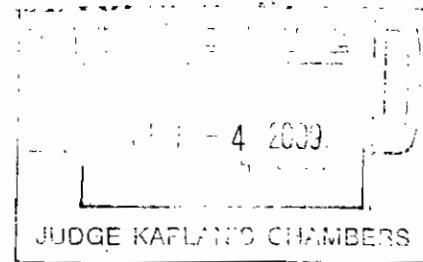


MEMO ENDORSED

PO Box 471
Moultonborough, NH
03254-0471
603-544-3010
Fax 603-544-3009
E-mail: eric@erictaussig.com

June 1, 2009

Hon. Lewis A. Kaplan, Federal District Judge
Federal District Court, Southern District, New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY 10007

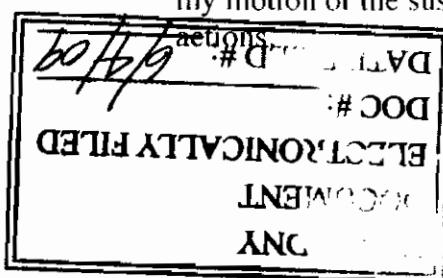


Re. **Taussig v Fuld**
Docket No. 09 Civ. 3480 (LAK)

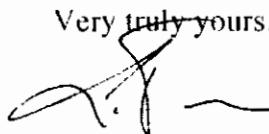
Dear Judge Kaplan:

On May 29, I spoke with Mr. Mohan, who suggested that I direct this letter to you, rather than the Clerk of the Court. The purpose of this letter is to advise the Court that I am withdrawing my motion in the above captioned case, dated, May 19, for a default judgment at this time without prejudice to my right to renew it, or a related motion for fees and costs, if a resolution with Defendant's counsel is not reached.

For the Court's information, my action, which was originally filed in the Connecticut District Court, was transferred, on the application of Defendant's Counsel, to the Multidistrict Panel as a so-called "tag-along" action to this Court on April 22. Counsel for the Defendant belatedly sent me a copy of the Court's Order No. 5, dated March 5, on May 26 after service of my motion. Thus I was unaware at the time I filed my motion of the suspension of certain pretrial motions pending determinations on class



*Motion
withdrawn*

Very truly yours,

Eric Taussig

cc. Todd Fishman, Esq., Allen & Overy LLP, Counsel for Defendant

ET:ms


LEWIS A. KAPLAN / USDJ

6/4/09